



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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Applicant: John Mark Zetts

Examiner: Boccio, Vincent P

Serial No. 09/850,253

Group Art Unit: 2616

Filed: May 7, 2001

Docket No. STL920000106U
S1

Title: SYSTEM AND METHOD OF TIMECODE REPAIR AND
SYNCHRONIZATION IN MPEG STREAMS

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence is being transmitted, via facsimile only, to Facsimile Nos. 571/273-8300 on December 22, 2005.


Sandra Parker

PETITION FOR REVIVAL

Under 37 CFR 1.137(a)

**Attention: Office of Petitions
Mail Stop Petitions
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450**

Sir:

Please accept this Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), if this patent application has been abandoned. Notice of Abandonment has not been received yet but may be eminent, because two Corrected Notices of Allowance failed to extend the issue fee due date, which was 9/19/05, and is thus lapsed.

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When filling up the enclosed Fee Transmittal form, on 8/25/05, Applicant's attorney noticed that claims from the Preliminary Amendment were not mentioned in the original Notice of Allowability. Phone calls were placed to Supervisory Examiner Jim Grody and Examiner Boccio who both agreed that it was a serious USPTO error and that the Applicant should not pay for it because it was their error. Examiner Boccio was told about several errors in the PAIR, regarding dates of IDS and formal drawings and that he failed to examine the Preliminary Amendment. Examiner Boccio promised to send a Supplemental Notice of Allowability and correct the mistakes. He also promised to extend the issue fee due date because it was uncertain when his Supplemental Notice of Allowability will arrive. Applicant's attorney sent an enclosed e-mail to Examiner Boccio, on 8/30/05, specifying the errors and the promise to extend the issue fee due date.

However, the Supplemental Notice of Allowability was mailed on 9/21/05 and it did not extend the issue fee due date of 9/19/05, although it was mailed two dates after it, on 9/21/05. It also failed to correct the formal drawings' date and enter the related applications' serial numbers.

Another set of phone calls to the Supervisory Examiner and Examiner Boccio and e-mails to Examiner Boccio assured the Applicant's attorney that another Supplemental Notice of Allowability will be mailed, correcting all the errors, as seen in the enclosed e-mails. Examiner Boccio claimed that he requested extension of time but that the support staff failed to extend it. This is confirmed in his e-mail dated 10/17/05. There, however, he claims that he requested the Applicant to pay the issue fee during the 8/30/05 phone call, which is incorrect. It would show very irresponsible behavior on his part because at that time he had not even seen the Preliminary Amendment. His Second Supplemental Notice of Allowability was mailed on 11/3/05 but again

failed to extend the issue fee due date. Several e-mails, sent since then, and voice messages left on his phone were not replied to by Examiner Boccio and thus this Petition is sent hereby.

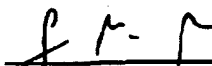
Please kindly enter this petition and allow this application to issue. The Commissioner is hereby authorized to charge payment of \$1,7000.00 for issue and publication fees, a Petition Fee of \$500.00, if needed, and any additional fees required for the above-identified application or to credit any overpayment to Deposit Account No. 09-0460.

Please note that the entire delay in paying the issue fee from 9/19/05 until the filing of this petition, grantable under 37 CFR 1,137(a), was unavoidable because there were serious errors in the PAIR and in the original Notice of Allowability made by the USPTO and in two Supplemental Notices of Allowability, none of which was caused by the Applicant. Please also note that Applicant could not possibly know, by 9/19/05, whether Examiner would allow the additional 24 claims from the Preliminary Amendment, because the Supplemental Notice of Allowability was mailed on 9/21/05.

Please note that the second Supplemental Notice of Allowability failed to change the formal drawings date and Applicant hereby requests use of correct formal drawings for this application, entered on 9/10/01, and not the informal drawings from 5/14/01, as incorrectly entered by the Examiner in the original Notice of Allowability.

Respectfully submitted,

Date: December 22, 2005



Sandra M. Parker
Reg. No. 36,233

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Enclosures: three e-mails, Fee(s) Transmittal form and Fee Address Indication form